

REMARKS

The Official Action mailed April 21, 2003, has been received and its contents carefully noted. Filed concurrently herewith is a *Request for One Month Extension of Time*, which extends the shortened statutory period for response to August 21, 2003. Accordingly, the Applicants respectfully submit that this response is being timely filed.

The Applicants note with appreciation the consideration of the Information Disclosure Statements filed on June 17, 2002, July 17, 2002, August 14, 2002, and January 27, 2003. A further Information Disclosure Statement is submitted herewith and consideration of this Information Disclosure Statement is respectfully requested.

The Applicants note the *partial* consideration of the Information Disclosure Statement (IDS) filed on April 12, 2000. Specifically, it appears that the Examiner inadvertently overlooked the citation of JP 08-146402, JP 07-130652, and JP 11-338786. Accordingly, the Applicants respectfully request that the Examiner provide an initialed copy of the Form PTO-1449 submitted April 12, 2000, evidencing consideration of the IDS.

Claims 1-14 and 25-50 are pending in the present application, of which claims 1, 2, 25, 26, 39 and 40 are independent. Claims 7, 8, 13, 14, 25, 26, 31, 32 and 37-40 have been amended to correct minor typographical errors. For the reasons set forth in detail below, are believed to be in condition for allowance. Favorable reconsideration is requested.

Paragraph 3 of the Official Action objects to the numbering of the claims under MPEP § 608.01(n). The Applicants respectfully traverse the objection. While the claim numbering discussed in § 608.01(n) may be preferred, it is not required during prosecution. The Applicants respectfully request that the claims be renumbered following allowance as described in 37 CFR § 1.126.

Paragraph 6 of the Official Action provisionally rejects claims 1-14 and 25-50 under the doctrine of obviousness-type double patenting over claims 1-13 of co-pending

Application Serial No. 09/837,324 to Yamazaki et al. In response, the Applicants respectfully request that the double patenting rejection be held in abeyance until an indication of allowable subject matter is made in either the present application or the copending application. At such time, the Applicants will respond to any remaining double patenting rejections.

~~Paragraphs 8-14 of the Official Action reject claims 1-14 and 25-50 as obvious based on U.S. Patent No. 6,288,413 to Kamiura et al. and Japanese Application No. 7-72675 assigned to Toshiba either alone or in combination with U.S. Patent No. 5,627,084 to Yamazaki et al., U.S. Patent No. 5,717,224 to Zhang, and/or U.S. Patent No. 6,238,754 to Shohara et al.~~ The Applicants respectfully traverse the rejection because the Official Action has not made a *prima facie* case of obviousness.

As stated in MPEP §§ 2142-2143.01, to establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. Obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either explicitly or implicitly in the references themselves or in the knowledge generally available to one of ordinary skill in the art. "The test for an implicit showing is what the combined teachings, knowledge of one of ordinary skill in the art, and the nature of the problem to be solved as a whole would have suggested to those of ordinary skill in the art." In re Kotzab, 217 F.3d 1365, 1370, 55 USPQ2d 1313, 1317 (Fed. Cir. 2000). See also In re Fine, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988); In re Jones, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

The prior art, either alone or in combination, does not teach or suggest all the features of the independent claims. Kamiura, Toshiba, Yamazaki '084, Zhang and/or Shohara, either alone or in combination, do not teach or suggest either that an n-type impurity region (c) is overlapped by a conductive film or that an n-type impurity region (b) is not overlapped by a conductive film. It appears that Kamiura discloses three n-type impurity regions. However, Kamiura does not teach or suggest the importance of an n-type impurity region (c) which is overlapped by a conductive film, which is a means for preventing hot carrier deterioration (see page 6 line 25 - page 7 line 1). Also, Toshiba does not teach or suggest the importance of an n-type impurity region (b) which is not overlapped by a conductive film, which is a means for preventing leak current (see page 7, lines 4-5).

Yamazaki '084, Zhang and Shohara do not cure the deficiencies in Kamiura and Toshiba. The Official Action relies on Yamazaki '084, Zhang and Shohara to allegedly teach features of a conductive film (page 10, Paper No 10), features of a gate electrode (page 11, Id.), and features of a coloring layer (page 13, Id.), respectively. Kamiura, Toshiba, Yamazaki '084, Zhang and/or Shohara, either alone or in combination, do not teach or suggest either that an n-type impurity region (c) is overlapped by a conductive film or that an n-type impurity region (b) is not overlapped by a conductive film.

Since Kamiura, Toshiba, Yamazaki '084, Zhang and/or Shohara do not teach or suggest all the claim limitations, a *prima facie* case of obviousness cannot be maintained. Accordingly, reconsideration and withdrawal of the rejection under 35 U.S.C. § 103(a) are in order and respectfully requested.

Should the Examiner believe that anything further would be desirable to place this application in better condition for allowance, the Examiner is invited to contact the Applicants' undersigned attorney at the telephone number listed below.

Respectfully submitted,



Eric J. Robinson
Reg. No. 38,285

Robinson Intellectual Property Law Office, P.C.
PMB 955
21010 Southbank Street
Potomac Falls, Virginia 20165
(571) 434-6789